



TFW 1614

PTO/SB/21 (08-03)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/539,174
Filing Date	June 14, 2005
First Named Inventor	Bernd HABER
Group Art Unit	1614
Examiner Name	
Attorney Docket Number	02/085 NUT

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) Extension of Time Request Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communications to Group (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
Remarks: Postcard Receipt; IDS with PTO/SB/08B and 1 reference; Supplemental IDS with copies of PTO/SB/08A and PTO/SB/08B submitted for co-pending application 10/538,903		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	ProPat, L.L.C. 425-C South Sharon Amity Road Charlotte, NC 28211-2841
Signature	<i>Cathy Moor</i>
Date	May 31, 2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Claire Wygand		
Signature	<i>Claire Wygand</i>	Date	5/31/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

In re: Bernd HABER *et al.*

Art Unit: 1614

Application No.: 10/539,174

Filing Date: June 14, 2005

Title: *Cholesterol-reducing agent containing an n-3 fatty acid*

Commissioner for Patents
Alexandria, VA 22313-1450
Dear Sir:

Charlotte, NC 28211
May 31, 2006

INFORMATION DISCLOSURE STATEMENT

Pursuant to Rule 56 and Rule 97 *et seq.*, Applicant hereby submits the attached Forms PTO/SB/08B and the references listed thereon. Applicant respectfully requests that each reference be reviewed and made of record in Application No. 10/539,174 filed June 14, 2005.

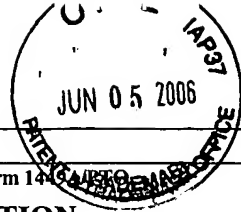
This submission does not represent an admission that each or all of the listed documents are material or constitute "prior art." Applicant respectfully requests that each reference be reviewed and made of record in the instant application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-2193.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cathy Moore".

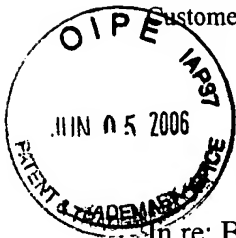
Cathy R. Moore
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Charlotte, North Carolina 28211-2841
Telephone (704) 365-4881



PTO/SB/08B				Complete if Known	
Substitute for Form 1449 PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application No.	10/539,174
				Filing Date	June 14, 2005
				First Named Inventor	Bernd HABER
				Group Art Unit	1614
				Examiner Name	
Sheet	1	OF	1	Attorney Docket Number	02/085 NUT

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials'	Cite No.	Include name of the author (in CAPITAL LETTERS), Title of the Article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published	T6
		Keenan J. M. et al. “A Clinical Trial of Oat Bran and Niacin in the Treatment of Hyperlipidemia” The Journal of Family Practice Vol. 34, No. 3 (1992), pp 313-319	X
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

In re: Bernd HABER *et al.*

Art Unit: 1614

Application No.: 10/539,174

Filing Date: June 14, 2005

Title: *Cholesterol-reducing agent containing an n-3 fatty acid*

Commissioner for Patents
Alexandria, VA 22313-1450
Dear Sir:

Charlotte, NC 28211
May 31, 2006

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

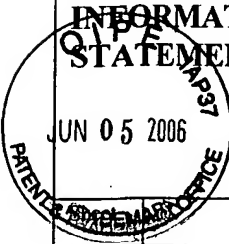
This Information Disclosure Statement (IDS) is made in compliance with 37 C.F.R. 1.97(c). The enclosed Form(s) PTO/SB/08A and PTO/SB/08B were taken from a review of co-pending U.S. Application No. 10/538,903, commonly assigned to Nutrinova Nutrition Specialties & Food Ingredients GmbH, also filed on June 14, 2005.

This submission, made out of an abundance of caution and in compliance with *Dayco Products, Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. (MO) May 23, 2003), does not represent that the above-noted cases constitute an application family. This submission further does not represent that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art."

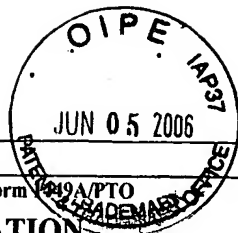
Applicant respectfully requests that each reference be reviewed and made of record in the instant application. Each of the references noted within the attached Form(s) PTO/SB/08A and PTO/SB/08B were supplied in U.S. Application No. 10/538,903. Consequently, it is assumed that no copies need be furnished. However, copies will be furnished upon request.

Respectfully submitted,

Cathy R. Moore, Reg. No. 45,764
ProPat, L.L.C.
425-C South Sharon Amity Road
Charlotte, North Carolina 28211-2841
Telephone (704) 365-4881

PTO/SB/08A		Complete if Known							
Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT 		Intr'l App. No.	PCT/EP2003/014714						
		Intr'l Filing Date	December 22, 2003						
		First Named Inventor	Bernd HABER						
		Group Art Unit							
		Examiner Name							
Of	1 Sheet	Attorney Docket No.	02/084 NUT						
U.S. PATENT DOCUMENTS									
Examiner Initials'	Cite No.	U. S. Patent Number	Kind Code	Name of Patentee or Applicant of Cited Document	Publication Date	Class	Sub Class		
		4,027,009		Grier, et al.	5/31/1977	424	78.08		
		4,231,938		Monaghan et al.	11/04/1980	260	343.5		
		4,346,227		Terahara et al.	08/24/1982	560	119		
		4,444,784		Hoffman et al.	04/24/1984	424	279		
		5,998,400		Brieaddy et al.	12/07/1999	514	211		
		6,087,353		Stewart et al.	07/11/2000	514	182		
		6,221,897		Frick et al.	04/24/2001	514	431		
		6,277,831		Frick et al.	08/21/2001	514	431		
FOREIGN PATENT DOCUMENTS									
Examiner Initials'	Cite No.	Office Code	Foreign Patent Document Number	Kind	Name of Patentee or Applicant of Cited Document	Publication Date	Class	Subclass	T6
		WO	91/07398	A1	Novo Nordisk	06/30/1991	C07D	401/04	X
		WO	91/11918	A1	Martek Corp.	08/22/1991	A23L	1/054	X
		WO	96/33263 =US6,582,941	A1	Agency Ind Science Techn	02/11/1998	A23K	1/161	
		WO	96/38047	A1	Unilever	06/01/1995	A23D	9/00	X
		WO	99/56558	A1	Raisio Benecol OY	07/08/2003	A23D	9/007	X
		WO	98/03671		Nagase Biochemicals, LTD	01/29/1998	C12P	7/64	X
		EP	0 616 780		Compania General Del Algarrobo	09/28/1994	A23L	1/308	X
		JP	60-196157		Amano Seiyaku	10/04/1985	A23L	1/03	
		JP	63-216490		Sagami Chem. Res. Ctr.	09/08/1988	C12P	7/64	
		JP	2000/245442		Sagami Chem. Res. Ctr.	09/12/00	C12n	1/20	
		JP	2001/309797		Nat. Institute of Advanced Industrial Science & Tech.	11/06/2001	C12P	7/64	
Examiner Signature				Date Considered					

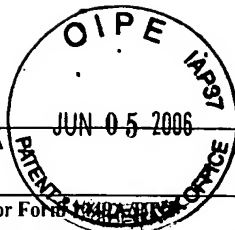
IDS cited in spec



PTO/SB/08B				Complete if Known	
Substitute for Form PTO 049A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				International App. No.	PCT/EP2003/014714
				International Filing Date	December 22, 2003
				First Named Inventor	Bernd HABER
				Group Art Unit	
				Examiner Name	
Sheet	1	OF	1	Attorney Docket Number	02/084 NUT

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), Title of the Article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published			T6
		Brown et al. 1999; Am. J. Clin. Nutr. 69: pp 30-42			X
		Zunft et al. 2001, Adv. In Ther. 18: pp 230-36			X
		GISSI-Prevenzione Investigators (Gruppo Italiano per lo Studio della Sopravvivenza nell'Infarto miocardico), Dietary supplementation with n-3 polyunsaturated fatty acids and vitamin E after myocardial infarction: results of the GISSI-prevenzione trial. Lancet. 1999; 354: pp 447-455			X
		Burr et al., Effects of changes in fat, fish and fibre intake on death and myocardial reinfarction: diet and reinfarction trial (DART), The Lancet, 1989, pp 757-761			X
		Gylling and Miettinen, Curr Control Trials Cardiovasc Med 2001, pp 123-128			X
		(V. Bartz 2002, Ernährung & Medizin 17, pp 149-150			
		Peres-Olleros et al. 1999; J. Sci. Food Agric. 79, pp 173-178			X
		Tonon et al., Long chain polyunsaturated fatty acid production and partitioning to triacylglycerols in four microalgae. Phytochemistry 2002, pp 15-24			X
		Cho and Mo, Screening and characterization of eicosapentaenoic acid-producing marine bacteria, Biotechnology Letters 1999, pp 215-218			X
	EXAMINER			DATE CONSIDERED	
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

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Substitute for Form PCT/IB/97 INFORMATION DISCLOSURE STATEMENT BY APPLICANT		International App. No.	PCT/EP2003/014714
		International Filing Date	December 22, 2003
		First Named Inventor	Bernd HABER
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Sheet	1	Of	1
		Attorney Docket Number	02/084 NUT

U.S. PATENT DOCUMENTS							
Examiner Initials'	Cite No.	U. S. Patent Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Sub class
		5,723,446		Gray et al.	03/03/1998	514	21

FOREIGN PATENT DOCUMENTS									
Examiner Initials'	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	T6
		Office Number	Kind Code						
		EP	0 570 791 (paper copy)	A2	Clintec Nutrition Co.	11/24/1993	A23L	1/30	X
		EP	0 616 780 (CD)	A2	Compania General Del Algarrobo	09/28/1994	A23L	1/308	X
		EP	1 295 538 =US 2003059458	A2	Nutrinova Nutrition Specialties	03/26/2003	A23P	1/04	
		WO	00/53034 (paper copy)	A1	Somar Corp; Taniguchi Masa	09/14/2000	A23L	1/20	X
Examiner Signature				Date Considered					

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT		International App. No.	PCT/EP2003/014714		
		International Filing Date	December 22, 2003		
		First Named Inventor	Bernd HABER		
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		CONQUER JULIE A. et al., "Supplementation with an algae sourceh of docosahexaenoic acid increase (n-3) fatty acid sttus and alters selected risk factors for heart disease in vegetarian subjects" Zusammenfassung & JOURNAL OF NUTRITION, Vol 126, No. 12, 1996 pp 3032-3039 XP002277556	X
		GARG M. L. et al., "The importance of dietary eicosapentaenoic to docosahexaenoic acid ratio in modulation of serum lipid and arachidonic acid levels" Zusammenfassung & NUTRITION RESEARCH, Vol 14, No. 10, 1994 pp 1575-1582 XP002277557	X
		HABER B, "Carob Fiber Benefits and Applications", CEREAL FOODS WORLD, Vol. 47, No. 8, 2002, pp 365-369	X
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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